HIGH COURT OF CHHATTISGARH AT BILASPUR

DIVISION BENCH

CORAM: **HON'BLE SHRI JAGDISH BHALLA, Ag. CJ. &**
HON'BLE SHRI SATISH K. AGNIHOTRI, J.

M.C.C. No. 229 of 2007

Applicant : Amrapali Sahakari Grih Nirman Sanstha Maryadit, Raipur, a registered Housing Cooperative Society under the Cooperative Societies Act, through its President Ramesh Kumar Tiwari son of Late Manharan Lal Tiwari, aged about 54 years, Resident of B-23, Amrapali Grih Nirman Society, Raipur (CG)

Versus

Non-applicants

1. State of Chhattisgarh, through the Secretary, Cooperative Department, Government of Chhattisgarh Mantralaya DKS Bhawan, Raipur
2. The Registrar, Cooperative Societies Chhattisgarh, Telibandha, Ring Road, Raipur
3. Shri Subrat Sahu, IAS Registrar, Cooperative Societies, Telibandha, Ring Road, Raipur (CG)
4. Shri PR Naik, Joint Registrar, Cooperative Societies, Raipur District, at present posted as Additional Registrar, Cooperative Society, Telibandha, Ring Road, Raipur
5. Shri Sanjay Nayak, Deputy Registrar, Cooperative Society, Khandwa (MP)
6. Shri LL Rayast, Deputy Registrar, Cooperative Societies, Raipur
7. Shri Rajkumar Naidu, Cooperative Inspector the then Officer In-charge, Amarpali Sahakari Greh Nirman Sanstha Maryadit, Raipur, presently posted at O/o Registrar Cooperative Societies, Raipur

20

8. Shri PL Thakur Retd., Sr Inspector, Cooperative, Resident of Tikrapara, Near Sabji Bazar, in front of Chanchal Kiraya Bhandar, Raipur.

9. Shri Sanat Dewangan, Ex-Manager of Amrapali Societies, R/o Gabrapara, Tikrapara, Raipur.

Application for restoration of Writ Petition No.5035/2004

Present : Shri Gautam Bhaduri, counsel for the applicant.
Shri UNS Deo, Government Advocate for the State.

ORAL ORDER

(Passed on 31st July, 2007)

The following oral order of the Court was passed by **Hon'ble Jagdish Bhalla, Ag. C.J.**

Heard on IA No 01 for condonation of delay in filing the M.C.C.

The delay has been sufficiently explained. Accordingly, the delay in filing the M.C.C. is condoned.

I.A. No. 01 stands disposed of.

Heard on application dated 31.07.2007 for amendment.

Permission is granted to counsel for the petitioner to carry out necessary amendment during the course of the day.

Accordingly, the application stands disposed of.

Learned counsel for the petitioner submits that he has committed mistake by not explaining to Hon'ble the Chief Justice that the respondents are being represented through counsel and even the response has been filed. Record indicates that all the respondents were served before the order dismissing the petition in default was passed.

(7)

In light of the reasons indicated in the application supported by affidavit, we find sufficient ground to restore the matter to its original number. Accordingly, the M.C.C. is allowed and W.P. No.5035/2004 is restored to its original number.

Sd/-

Ag Chief Justice

Sd/-
Satish K.Agnihotri
Judge

subbu